

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 16, 1997**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., Dunn, J. (Assigned), and Salas, V., Deputy Clerk.

B106261      Four Point Entertainment  
                 v.  
                 New World Entertainment, LTD

Merits:

Argued by Susan A. Rodriguez for appellant and by Jeffrey Makoff for respondent. Cause submitted.

B107763      People  
                 v.  
                 Newman

Merits:

Argued by John L. Staley for appellant and by Kent J. Bullard, Deputy Attorney General, for respondent. Cause submitted.

B106905      People  
                 v.  
                 Jacobs

Merits:

Argued by Estie R. Stoll for appellant and by Suzann E. Papagoda, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B111434     Kim et al.  
              v.  
              Wilshire Tower Apartments, Inc.

Merits:  
Argued by Evan Marshall for appellant and by Leah Gasendo for respondent. Cause submitted.

B113880     Farnham  
              v.  
              S.C.L.A.  
              (Sequoia Holdings Inc., et al., r.p.i.)

Merits:  
Argued by William Rehwald for petitioner and by William D. Schuster for real parties in interests. Cause submitted.

B114715     Taylor  
              v.  
              S.C.L.A.  
              (Aames Home Loan, r.p.i.)

Merits:  
Argued by Mark Strom for petitioner and by Christine Samsel for real party in interest. Cause submitted.

B100509     Goth et al.  
              v.  
              Air-Ride LTD et al.

Merits:  
Argued by David A. Robinson for appellants and by Christopher J. Irvin for respondents. Cause submitted.

DIVISION ONE (Continued)

B112610     Housing Authority of the City of Los Angeles  
              v.  
              W.C.A.B.  
              (Chandler, resp.)

Merits:

Argued by Carroll A. Wheatley, Jr. and Dov Lesel, Deputy City Attorney, for petitioner and by Karin V.L. Gomez for respondent. Cause submitted.

B103076     Chan  
              v.  
              Hales Investment Co., et al.

Merits:

Argued by Man-Ho Chan, in propria persona, and by Karen E. Zubiata-Beauchamp for respondents. Cause submitted.

B110852     Scanlon  
              v.  
              City of Hope National Medical Center

Merits:

Argued by Thomas J. Weiss for appellant and by Donna Fields Goldstein for respondent. Cause submitted.

B115417     Stella Foods, Inc.  
              v.  
              S.C.L.A.  
              (Cacique, Inc., et al., r.p.i.)

Merits:

Argued by Richard B. Sheldon for petitioner and by Allan Browne for real parties in interests. Cause submitted.

Justice Ortega leaves the bench.

DIVISION ONE (Continued)

B111749      Lascar  
                 v.  
                 First Federal Bank et al.

Merits:  
Argued by Alan Seims for appellant and by Laura McSwiggin for  
respondents. Cause submitted.

B115902      Howard L. et al.  
                 v.  
                 S.C.L.A.  
                 (L.A. DCFS, r.p.i.)

Merits:  
Argued by John P. Newman for petitioner and by Judy German, for real  
party DCFS. Cause submitted.

Justice Masterson leaves the bench.

B105296      Palmrose et al.  
                 v.  
                 Ron Ohle Insurance Agency

Merits:  
Argued by Daniel G. Sheldon for appellants and by Carol J. Knoblow for  
respondent. Cause submitted.

Court adjourned.

December 16, 1997-Continued

## DIVISION ONE (Continued)

B101733      Maxwell      (Not for Publication)

V.

Farmers Insurance Group of Companies et al.

The judgment is affirmed.

Dunn, J. (Assigned)

We concur: Spencer, P.J.

Ortega, J.

DIVISION THREE

B104398 People (Not for Publication)

V.

Edmondson

The judgment is modified to reflect a term of one year in prison for the sentencing enhancement imposed pursuant to Penal Code section 12022, subdivision (b). The trial court is directed to amend the abstract of judgment accordingly and to forward a copy to the Department of Corrections. As modified, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.

Croskey, J.

B107667 People (Not for Publication)

V.

Robert S.

The order continuing wardship is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.

Aranda, J. (Assigned)

December 16, 1997-Continued

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B113167      Agren & Werner      (Not for Publication)  
v.  
Steven L. Carter Construction, Inc.

The order imposing sanctions on Agren & Werner is affirmed. Costs on appeal are awarded to Carter Construction.

Kitching, Acting P.J.

We concur: Aldrich, J.  
Aranda, J. (Assigned)

B111119      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Abel C.

The order terminating jurisdiction is reversed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

DIVISION THREE (Continued)

B088120      Neil M. Baizer      (Not for Publication)

v.  
Robert D. Sussin, et al.

The grant of the motion to strike Sussin's cost memorandum is reversed. Costs on appeal to appellants Robert D. Sussin and Robert D. Sussin, a Professional Corporation.

Kitching, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B110237      Mink Properties and Management, Inc.      (Not for Publication)

v.  
Susan Cuse and Willi Hayenga

The award of attorney fees is affirmed. Cuse and Hayenga to recover costs on appeal.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                 Aldrich, J.

DIVISION FOUR

B107466      Gonzalez      (Not for Publication)

v.  
City of Huntington Park

Except for the portion of the judgment denying the city costs, the judgment is affirmed. The portion of the judgment denying the city costs is reversed and remanded for the trial court's determination of the amount of costs to be awarded to the city. Costs on appeal are awarded to the city.

Hastings, J.

We concur:   Vogel (C.S.), P.J.  
                 Baron, J.

December 16, 1997-Continued

## DIVISION FOUR (Continued)

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The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

B111025      Steinfeld      (Certified for Publication)  
v.  
Foote-Goldman Proctologic Medical Group

The order is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FIVE

B101586	Ocean Ventures Management Ltd. v. Susan E. Chiu et al.	(Not for Publication)
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Affirmed. Respondents to recover costs.

Grignon, Acting P.J.

We concur:   Armstrong, J.  
                      Jackson, J. (Assigned)



December 16, 1997-Continued

## DIVISION FIVE (Continued)

B105839 People (Not for Publication)

V.

Robert E. Winters

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Grignon, Acting P.J.

Armstrong, J.

B100134      People      (Not for Publication)

V.

Ernest Byas

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.

Armstrong, J.

B099100 Mary Kobzoff et al.

V.

Harbor UCLA Medical Center et al.

Filed order denying petition for rehearing.

DIVISION SIX

B110559 People (Not for Publication)

V.

High

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.

Yegan, J.

DIVISION SIX (Continued)

B105079     People  
              v.  
              Alvarez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

B100912     People  
              v.  
              Summerton

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

DIVISION SEVEN

B111300     Mighty Enterprises, Inc.                                 (Not for Publication)  
              v.  
              R & W Projects, Inc.

That part of the order of March 6, 1997, setting aside the entry of default against R & W and directing R & W to file a response to the complaint is reversed; in all other respects, the order is affirmed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur:    Johnson, J.  
                      Woods, J.

B096481     Melendez                                 (Not for Publication)  
              v.  
              Physician Assistant Examining Committee

The judgment is reversed and the trial court is directed to issue a new order denying the writ and to enter judgment in favor of appellant. Each party to bear its own costs.

Lillie, P.J.

We concur:    Johnson, J.  
                      Woods, J.

DIVISION SEVEN (Continued)

B103116      Mosquera et al.      (Not for Publication)  
                 v.  
                 Cano et al.

The judgment is reversed with respect to the apportionment of fault among Black Angus, Blankenship, Cano, Russell, Alsarraf and Poursourir and the apportionment between economic and non-economic damages. The case is remanded for a redetermination of those issues and in all other respects the judgment is affirmed. The parties shall bear their own costs on appeal.

Lillie, P.J.

I concur:      Woods, J.  
I concur:      Johnson, J. (Opinion)

B112319      People      (Not for Publication)  
                 v.  
                 Patchen

The judgment is modified to reduce defendant's conviction from petty theft with a prior conviction (Pen. Code, § 666) to petty theft, a misdemeanor (Pen. Code, § 484). As modified the judgment of conviction is affirmed. The cause remanded to the trial court for resentencing.

Lillie, P.J.

We concur:      Johnson, J.  
                 Neal, J.

B107123      People      (Not for Publication)  
                 v.  
                 Rosas

The judgment is affirmed.

Lillie, P.J.

We concur:      Woods, J.  
                 Neal, J.

December 16, 1997-Continued

DIVISION SEVEN (Continued)

B109202 People v. Ybarra (Not for Publication)

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The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

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The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B111901 People (Not for Publication)  
v.  
Raul R.

The order lifting the stay and putting the earlier order for camp-community placement into full force and effect is reversed and the cause is remanded for Welfare and Institutions Code section 777 proceedings.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

DIVISION SEVEN (Continued)

B103999      People  
                 v.  
                 Sistrunk and Cosby

Filed order modifying opinion. Petitions for rehearing are denied. (No change in the judgment.)

B106666      People  
                 v.  
                 Lara

Filed order denying petition for rehearing.